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In re Application of
JOUISHOMME, Herve, et al.
Application No.: 09/980,080
PCT No.: PCT/CA00/00650
Int. Filing Date: 02 June 2000
Priority Date: 03 June 1999
Attorney Docket No.: PGI-1
For: 3-DIMENSIONAL IN VITRO
MODELS OF MAMMALIAN
TISSUES

DECISION ON
PETITION UNDER
37 CFR 1.47(a)

This is a decision on applicants' "Re: Renewed petition under 37 CFR 1.47a," filed in the United States Patent and Trademark Office (USPTO) on 03 October 2003.

BACKGROUND

On 02 June 2000, applicants filed international application PCT/CA00/00650, which claimed a priority date of 03 June 1999. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 14 December 2000. A Demand for international preliminary examination, in which the United States was elected, was filed on 12 December 2000, within nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 03 December 2001.

On 30 November 2001, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 18 January 2002, the USPTO mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 20 May 2002, applicants submitted a petition under 37 CFR 1.47(a), which was accompanied by, *inter alia*, a combined declaration and power of attorney executed, a petition for a two month extension of time and the fee for a two month extension of time.

On 25 June 2002, the Office mailed Decision on Petition Under 37 CFR 1.47(a) dismissing the petition without prejudice.

On 25 October 2002, applicants submitted "Renewed Petition Under 37 CFR 1.47(a)".

On 06 February 2003, the Office mailed Decision On Petition Under 37 CFR 1.47(a), dismissing the petition without prejudice.

On 03 October 2003, applicants submitted "Re: Renewed petition under 37 CFR 1.47a," accompanied by a declaration and a postcard receipt.

DISCUSSION

A petition under 37 CFR 1.181 must be accompanied by copies of what is claimed to have been earlier submitted and evidence that those papers were submitted at an earlier point.

Applicants have submitted a postcard receipt identifying this application by serial number and title and listing a renewed petition and a combined declaration and power of attorney. This is adequate evidence that the items listed on the postcard were received by the Office on 20 June 2003. Applicants indicate that the declaration and papers accompanying this petition are copies of those submitted on 20 June 2003. For these reasons, the accompanying papers, including the declaration, are accepted with a receipt date of 20 June 2003.

The declarations submitted on 20 June 2003 and 25 October 2002, in combination, comply with 37 CFR 1.497(a)-(b).

CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.47(a) is **DISMISSED AS MOOT**.

The application has an international filing date of 02 June 2000 under 35 U.S.C. §363 and a date of 20 June 2003 under 35 U.S.C. §371. This application is being forwarded to the National Stage Processing Division of the Office of the PCT Operations for continued processing.



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